

OFFICE OF THE ATTORNEY GENERAL



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APR 10 1995

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Honorable Oliver Gilmore
Administrative Director of Courts
Administrative Office of Courts
300 Dexter Avenue
Montgomery, AL 36104-3741

Public Records - Courts -
Child Custody - Divorce

Divorce records in general
are public records subject to
public disclosure unless
otherwise ordered sealed by
the court.

Divorce records involving
child custody matters are
public records subject to
public disclosure absent a
court order sealing the
records.

Dear Mr. Gilmore:

This opinion is issued in response to your request for
an opinion from the Attorney General.

QUESTION 1

Are divorce records in general "public records" subject to public disclosure unless otherwise ordered sealed by the court?

FACTS AND ANALYSIS

In your request for an opinion, you ask for a clarification of our opinion to you dated January 12, 1995, A.G. No. 95-00104. The question you pose concerns the interpretation of Ex parte Balogun, 516 So.2d (Ala. 1987) and Holland v. Eades, 614 So.2d 1012 (Ala. 1993).

As you note in your request, Ex parte Balogun holds that the trial court has the discretion to close divorce proceedings and/or to keep records thereof in a confidential manner, i.e., closed to general public inspection, to protect the rights of the parties involved. This ruling does not change the general rule, which is that divorce records in general are public records subject to public disclosure unless otherwise ordered sealed by the court.

CONCLUSION

Divorce records in general are public records subject to public disclosure unless otherwise ordered sealed by the court.

QUESTION 2

If the answer to Question 1 is in the affirmative, are divorce records involving child custody matters "public records" subject to public disclosure absent a court order sealing these records?

FACTS AND ANALYSIS

Divorce records involving child custody matters are, in general, public records subject to public disclosure, as there is no distinction in the law between divorce proceedings in general and divorce proceedings which collaterally involve the custody of children. On the motion of a party to seal the records in a divorce proceeding, the court should hold a hearing pursuant to Holland v. Eades to determine whether the rights of the parties are best served by ordering that the proceedings be closed to the public and that the records thereof be maintained in a confidential manner. Absent such a determination by the court, the records in a

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divorce proceeding involving child custody matters are
subject to public disclosure.

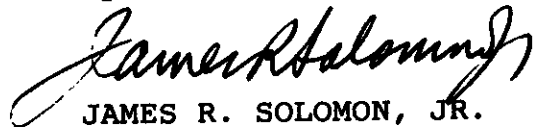
CONCLUSION

Divorce records involving child custody matters are
public records subject to public disclosure absent a court
order sealing the records.

I hope this sufficiently answers your question. If our
office can be of further assistance, please contact Jane L.
Brannan of my staff.

Sincerely,

JEFF SESSIONS
Attorney General
By:

A handwritten signature in cursive script, appearing to read "James R. Solomon, Jr.", written in dark ink.

JAMES R. SOLOMON, JR.
Chief, Opinions Division

JS/JLB/jho
G3.95/OP